



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3782

Introduced 2/11/2010, by Sen. Michael W. Frerichs

#### SYNOPSIS AS INTRODUCED:

735 ILCS 5/9-121 new

Amends the Code of Civil Procedure. Provides that a court may order that a court file in a forcible entry and detainer action be placed under seal if the court finds that the plaintiff's action is without a basis in fact or law, including a lack of jurisdiction, sealing the file is in the interests of justice, and those interests are not outweighed by the public's interest in the record. Provides that a court shall order that a file in a forcible entry and detainer action be sealed if the court finds that the defendant occupied real property that was subject to mortgage foreclosure and either the foreclosure redemption period expired and the defendant vacated the property before the action was filed, or the defendant was a tenant during the redemption period and did not receive a notice to vacate before the action was filed. Effective immediately.

LRB096 20335 AJ0 35967 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Code of Civil Procedure is amended by adding  
5 Section 9-121 as follows:

6 (735 ILCS 5/9-121 new)

7 Sec. 9-121. Sealing of court file.

8 (a) Definitions. As used in this Section, "court file"  
9 means the court file created when a forcible entry and detainer  
10 action is filed with the court.

11 (b) Discretionary sealing of court file. The court may  
12 order that a court file in a forcible entry and detainer action  
13 be placed under seal if the court finds that the plaintiff's  
14 action is sufficiently without a basis in fact or law, which  
15 may include a lack of jurisdiction, that placing the court file  
16 under seal is clearly in the interests of justice, and that  
17 those interests are not outweighed by the public's interest in  
18 knowing about the record.

19 (c) Mandatory sealing of court file. The court shall order  
20 a court file in a forcible entry and detainer action be placed  
21 under seal if the court finds that the defendant was an  
22 occupant of real property that was subject to mortgage  
23 foreclosure and who was not made a party to the foreclosure

1 action:

2 (1) the time for foreclosure redemption has expired and  
3 the defendant vacated the property prior to commencement of  
4 the forcible entry and detainer action; or

5 (2) the defendant was a tenant during the foreclosure  
6 redemption period and did not receive a notice under this  
7 Part to vacate on a date prior to commencement of the  
8 forcible entry and detainer action.

9 Section 99. Effective date. This Act takes effect upon  
10 becoming law.